

**ASSEMBLY, No. 3611**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED MARCH 17, 2022

**Sponsored by:**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Provides that no more than four of seven public members appointed to Highlands Water Protection and Planning Council may be of same political party.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/2/2022)**

1 AN ACT concerning the Highlands Water Protection and Planning  
2 Council, and amending P.L.2004, c.120.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 5 of P.L.2004, c.120 (C.13:20-5) is amended to read  
8 as follows:

9 5. a. The council shall consist of 15 voting members to be  
10 appointed and qualified as follows:

11 (1) Eight residents of the counties of Bergen, Hunterdon,  
12 Morris, Passaic, Somerset, Sussex, or Warren, appointed by the  
13 Governor, with the advice and consent of the Senate, (a) no more  
14 than four of whom shall be of the same political party, (b) of whom  
15 five shall be municipal officials residing in the Highlands Region  
16 and holding elective office at the time of appointment and three  
17 shall be county officials holding elective office at the time of  
18 appointment, and (c) among whom shall be (i) at least one resident  
19 from each of the counties of Bergen, Hunterdon, Morris, Passaic,  
20 Somerset, Sussex, and Warren, and (ii) two residents from the  
21 county that has the largest population residing in the Highlands  
22 Region, of whom no more than one shall be of the same political  
23 party; and

24 (2) Seven residents of the State, no more than four of whom  
25 shall be of the same political party, of whom five shall be appointed  
26 by the Governor, with the advice and consent of the Senate, one  
27 shall be appointed by the Governor upon the recommendation of the  
28 President of the Senate, and one shall be appointed by the Governor  
29 upon the recommendation of the Speaker of the General Assembly.  
30 The members appointed pursuant to this paragraph shall have, to the  
31 maximum extent practicable, expertise, knowledge, or experience in  
32 water quality protection, natural resources protection,  
33 environmental protection, agriculture, forestry, land use, or  
34 economic development, and at least four of them shall be property  
35 owners, business owners, or farmers in the Highlands Region or  
36 residents or nonresidents of the Highlands Region who benefit from  
37 or consume water from the Highlands Region.

38 b. (1) Council members shall serve for terms of five years;  
39 provided, however, that of the members first appointed, five shall  
40 serve a term of three years, five shall serve a term of four years, and  
41 five shall serve a term of five years. The initial terms of the two  
42 council members appointed by the Governor upon the  
43 recommendation, respectively, of the President of the Senate and  
44 the Speaker of the General Assembly shall be among those council  
45 members assigned initial terms of five years pursuant to this  
46 paragraph.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       (2) Each member shall serve for the term of the appointment and  
2 until a successor shall have been appointed and qualified. Any  
3 vacancy shall be filled in the same manner as the original  
4 appointment for the unexpired term only.

5       c. Any member of the council may be removed by the  
6 Governor, for cause, after a public hearing.

7       d. Each member of the council, before entering upon the  
8 member's duties, shall take and subscribe an oath to perform the  
9 duties of the office faithfully, impartially, and justly to the best of  
10 the member's ability, in addition to any oath that may be required  
11 by R.S.41:1-1 et seq. A record of the oath shall be filed in the  
12 Office of the Secretary of State.

13       e. The members of the council shall serve without  
14 compensation, but the council may, within the limits of funds  
15 appropriated or otherwise made available for such purposes,  
16 reimburse its members for necessary expenses incurred in the  
17 discharge of their official duties.

18       f. The powers of the council shall be vested in the members  
19 thereof in office. A majority of the total authorized membership of  
20 the council shall constitute a quorum and no action may be taken by  
21 the council except upon the affirmative vote of a majority of the  
22 total authorized membership of the council. No alternate or  
23 designee of any council member shall exercise any power to vote on  
24 any matter pending before the council.

25       g. The Governor shall designate one of the members of the  
26 council as chairperson. The council shall appoint an executive  
27 director, who shall be the chief administrative officer thereof. The  
28 executive director shall serve at the pleasure of the council, and  
29 shall be a person qualified by training and experience to perform  
30 the duties of the office.

31       h. The members and staff of the council shall be subject to the  
32 "New Jersey Conflicts of Interest Law," P.L.1971, c.182  
33 (C.52:13D-12 et seq.).

34       i. The council shall be subject to the provisions of the "Open  
35 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

36       j. A true copy of the minutes of every meeting of the council  
37 shall be prepared and forthwith delivered to the Governor. No  
38 action taken at a meeting by the council shall have force or effect  
39 until 10 days, exclusive of Saturdays, Sundays, and public holidays,  
40 after a copy of the minutes shall have been so delivered; provided,  
41 however, that no action taken with respect to the adoption of the  
42 regional master plan, or any portion or revision thereof, shall have  
43 force or effect until 30 days, exclusive of Saturdays, Sundays, and  
44 public holidays, after a copy of the minutes shall have been so  
45 delivered. If, in the 10-day period, or 30-day period, as the case  
46 may be, the Governor returns the copy of the minutes with a veto of  
47 any action taken by the council at the meeting, the action shall be  
48 null and void and of no force and effect.

49 (cf: P.L.2004, c.120, s.5)

1        2. This act shall take effect immediately.

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STATEMENT

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6        This bill provides that of the seven residents of the State  
7 appointed to the Highlands Water Protection and Planning Council  
8 by the Governor, not more than four of these members may be of  
9 the same political party.